

HOUSE BILL 1257
By Turner M

AN ACT to amend Tennessee Code Annotated, Title 50,
relative to workers' compensation for employees
with occupational diseases covered by the Energy
Employees Occupational Injury Compensation
Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-302, is amended by
redesignating the existing language of subsection (a) as subdivision (a)(1), by redesignating
subsection (b) as subdivision (a)(2), and by adding the following as a new subsection (b):

(b)

(1) Occupational diseases involving a disease or condition covered by the
Energy Employees Occupational Injury Compensation Program Act, parts (B),
(D), or (E), which an employee had prior to July 1, 2005, shall be covered
hereunder. An employee has an occupational disease within the meaning of this
chapter if the disease or condition is a disease or condition covered by the
Energy Employees Occupational Injury Compensation Program Act, parts (B),
(D), or (E) that has developed to such an extent that it can be diagnosed as an
occupational disease. In considering whether an employee has an occupational
disease as defined by the Energy Employees Occupational Injury Compensation
Program Act, parts (B), (D) or (E) and suffers a disability or dies therefrom, all the
presumptions, criteria, and standards contained in or promulgated by reason of
the Energy Employees Occupational Injury Compensation Program Act of 2000,
specified as the basis for determining eligibility of applicants for benefits because
of the disease or its effects, shall be used and be applicable under this chapter.

Where in a proceeding under this chapter for benefits, it is determined that the employee or the employee's dependents would be entitled to benefits under the Energy Employees Occupational Injury Compensation Program Act of 2000, as amended, the employee or the employee's dependents by reason of the determination shall be considered disabled from an occupational disease and its effects, under this chapter the same as if the employee, or the employee's dependents, established the right to recover benefits based upon disability from an occupational disease, or death by reason thereof under the laws of this state.

(b)

(2) Upon a finding or showing that an employee or an employee's dependents has received a positive determination pursuant to Part (B), (D) or (E) of the Energy Employees Occupational Injury Compensation Program Act of 2000, as amended, it shall be conclusively presumed that the injury or condition for which compensation is sought under the laws of this state is causally related to the employee's occupation and no employer shall be entitled to raise or rely upon the statutory defenses of notice, causation, or the statute of limitations in defense of such claims.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.